



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed March 6, 2020

*Mark X. Mullin*

United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

IN RE:

HMSW CPA, P.L.L.C.  
KSW CPA, P.C.  
DEBTORS,

§  
§  
§  
§  
§

CASE NO. 18-43569-MXM-11  
ADMINISTRATIVELY CONSOLIDATED  
CHAPTER 11 CASES

**AGREED ORDER ABATING OBJECTION TO  
CLAIM NO. 8 FILED BY DAN SIMMONS**

CAME ON for consideration the limited objection to Claim No. 8 filed by Dan Simmons (the "Claim Objection", Dkt. No. 131), and the Court having received the representation of the parties, that the objection was filed for the purpose of limiting the impact of litigation continuing simultaneously in two courts, was of the opinion that the relief requested should be partially granted as follows.

IT IS THEREFORE ORDERED that the final allowance of disallowance of Claim No. 8 filed by Dan Simmons (the "Claim"), be and is hereby abated pending the resolution of the disputes between the parties currently being addressed in the 141<sup>st</sup> Judicial District Court of Tarrant County,

Texas, which is currently on appeal before the Second Court of Appeals, State of Texas, under Case No. 02-19-00241-cv (the "Litigation").

IT IS FURTHER ORDERED that it is the intention of the Court and the parties that the continuation of the Litigation concerning the issues related to the Claim will not delay the administration of this case, and therefore, this case may be administratively or substantively closed prior to the completion of the Litigation, without the pending claim having preclusive effect as a final determination of all issues between all parties with respect to the Litigation.

IT IS FURTHER ORDERED that upon the request of any party at the conclusion of the Litigation, or at any time during the pending Litigation, the provisions of this order are subject to modification upon the request of any party. It is the express intention of this Court that any funds held in suspense in connection with the final claim shall remain subject to the jurisdiction of this Court. It is further provided however, that to the extent the parties to this order reach any agreement with respect to the funds held in suspense, that such agreement may be implemented and payment may be made without further order of this Court.

### END OF ORDER ###

AGREED:

By: /s/ Mark J. Petrocchi  
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